

AMENDED IN SENATE JUNE 20, 2016

AMENDED IN SENATE JULY 6, 2015

AMENDED IN ASSEMBLY JUNE 1, 2015

AMENDED IN ASSEMBLY MAY 6, 2015

AMENDED IN ASSEMBLY APRIL 21, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1400

Introduced by Assembly Member Santiago

February 27, 2015

An act to add ~~Section 4629.8 to the Welfare and Institutions Code, Sections 25200.24 and 25200.25 to the Health and Safety Code, relating to developmental services: hazardous waste facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1400, as amended, Santiago. ~~Developmental services: regional center contracts. Hazardous waste: facilities permitting.~~

Existing law, as part of the hazardous waste control law, requires a facility handling hazardous waste to obtain a hazardous waste facilities permit from the Department of Toxic Substances Control. Existing law requires the department to impose certain conditions on each hazardous waste facilities permit and authorizes the department to impose other conditions on a hazardous waste facilities permit, as specified. A violation of the hazardous waste control law is a crime.

The bill would require the department, as a condition for a new hazardous waste facilities permit or a renewal of a hazardous waste facilities permit, to require a facility operator to install monitoring

devices or other equipment at the fence line of the facility to monitor for potential releases from the facility into the surrounding community, except as specified. The bill would require the department to grant such a request from a member of the public for a technical assistance grant for the purpose of getting assistance relating to, and information about, a pending hazardous waste facilities permit if the department receives the request within one year of the submission of the applicable hazardous waste facilities permit application, and would authorize the department to, in its discretion, grant such a request received more than one year from the submission of the applicable permit application. The bill would require the permit applicant to fund the grants. The bill would require the department, upon receipt of an application for a new hazardous waste facilities permit or for a renewal of a hazardous waste facilities permit, to post on its Internet Web site that the application has been received, and to include with this information a description of the process for applying for a technical assistance grant.

Because a violation of the bill's requirements would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the Lanterman Developmental Disabilities Services Act, requires the State Department of Developmental Services to enter into contracts with private nonprofit corporations to operate regional centers for the provision of community services and support for persons with developmental disabilities and their families. Existing law sets forth the duties of the regional centers, including, but not limited to, development of individual program plans, the purchase of needed services to implement the plan, and monitoring of the delivery of those services.~~

~~Existing law requires the regional center contracts and agreements with service providers in which rates are determined through negotiations between the regional center and the service providers to expressly require that not more than 15% of regional center funds be spent on administrative costs, as defined.~~

~~This bill would require all regional center contracts or agreements with contracting entities that provide in-home respite services and that~~

have an annual revenue attributable to in-home respite services provided to regional center consumers of at least \$7,000,000, as specified, to expressly require that at least 85% of regional center funds be spent on direct service expenditures, as defined.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25200.24 is added to the Health and
2 Safety Code, to read:

3 25200.24. (a) Except as provided in subdivision (b), the
4 department shall, as a condition for a new hazardous waste
5 facilities permit or a renewal of a hazardous waste facilities permit,
6 require a facility operator to install monitoring devices or other
7 equipment at the fence line of the facility to monitor for potential
8 releases from the facility into the surrounding community.

9 (b) If the local air pollution control district or air quality
10 management district, at the time that a hazardous waste facility
11 applies for a new hazardous waste facilities permit or a renewal
12 of a hazardous waste facilities permit, imposes a requirement on
13 hazardous waste facilities that is substantially similar to the
14 requirement specified in subdivision (a), subdivision (a) shall not
15 apply and the department shall instead require the facility to
16 comply with the requirement of the air pollution control district
17 or air quality management district as a condition for a new
18 hazardous waste facilities permit or a renewal of a hazardous
19 waste facilities permit.

20 SEC. 2. Section 25200.25 is added to the Health and Safety
21 Code, to read:

22 25200.25. (a) A member of the public may request a technical
23 assistance grant for the purpose of getting assistance relating to,
24 and information about, a pending hazardous waste facilities permit
25 application. The department shall grant a request for a technical
26 assistance grant if the department receives the request within one
27 year of the submission of the applicable hazardous waste facilities
28 permit application. The department may, in its discretion, grant
29 a request for a technical assistance grant received more than one
30 year from the submission of the applicable permit application. The
31 technical assistance grant shall be funded by the permit applicant.

1 *The department shall develop criteria and post on its Internet Web*
2 *site the minimum requirements for an entity that wishes to provide*
3 *this technical assistance.*

4 *(b) Upon receipt of an application for a new hazardous waste*
5 *facilities permit or for a renewal of a hazardous waste facilities*
6 *permit, the department shall post on its Internet Web site that the*
7 *application has been received. The department shall include with*
8 *this information a description of the process for applying for a*
9 *technical assistance grant.*

10 *SEC. 3. No reimbursement is required by this act pursuant to*
11 *Section 6 of Article XIII B of the California Constitution because*
12 *the only costs that may be incurred by a local agency or school*
13 *district will be incurred because this act creates a new crime or*
14 *infraction, eliminates a crime or infraction, or changes the penalty*
15 *for a crime or infraction, within the meaning of Section 17556 of*
16 *the Government Code, or changes the definition of a crime within*
17 *the meaning of Section 6 of Article XIII B of the California*
18 *Constitution.*

19 ~~SECTION 1. Section 4629.8 is added to the Welfare and~~
20 ~~Institutions Code, to read:~~

21 ~~4629.8. (a) For purposes of this section, the following~~
22 ~~definitions apply:~~

23 ~~(1) "Administrative costs" means all costs other than direct~~
24 ~~service expenditures, including all amounts actually paid and all~~
25 ~~accounts payable, as calculated in accordance with generally~~
26 ~~accepted accounting principles, including, but not limited to, all~~
27 ~~of the following:~~

28 ~~(A) Compensation and benefits, including federal, state, and~~
29 ~~local payroll taxes, workers' compensation and unemployment~~
30 ~~insurance premiums, and recruiting, training, orientation, and~~
31 ~~background checks for managerial personnel whose primary~~
32 ~~purpose is the administrative management of the entity, including,~~
33 ~~but not limited to, directors and chief executive officers.~~

34 ~~(B) Compensation and benefits, including federal, state, and~~
35 ~~local payroll taxes, workers' compensation and unemployment~~
36 ~~insurance premiums, and recruiting, training, orientation, and~~
37 ~~background checks for employees who perform administrative~~
38 ~~functions, including, but not limited to, payroll management,~~
39 ~~personnel functions, accounting, budgeting, and facility~~
40 ~~management.~~

- 1 ~~(C) Facility and occupancy costs directly associated with~~
- 2 ~~administrative functions.~~
- 3 ~~(D) Maintenance and repair.~~
- 4 ~~(E) Data processing and computer support services.~~
- 5 ~~(F) Contract and procurement activities, except those provided~~
- 6 ~~by a direct service employee.~~
- 7 ~~(G) Training directly associated with administrative functions.~~
- 8 ~~(H) Travel directly associated with administrative functions.~~
- 9 ~~(I) Licenses directly associated with administrative functions.~~
- 10 ~~(J) Taxes.~~
- 11 ~~(K) Interest.~~
- 12 ~~(L) Property insurance.~~
- 13 ~~(M) Personal liability insurance directly associated with~~
- 14 ~~administrative functions.~~
- 15 ~~(N) Depreciation.~~
- 16 ~~(O) General expenses, including, but not limited to,~~
- 17 ~~communication costs and supplies directly associated with~~
- 18 ~~administrative functions.~~
- 19 ~~(P) Consultants and professional services, including, but not~~
- 20 ~~limited to, accounting and legal services.~~
- 21 ~~(Q) Distributions to shareholders.~~
- 22 ~~(R) Advertising costs.~~
- 23 ~~(S) Conference, convention, and meeting costs.~~
- 24 ~~(T) Facility and office equipment costs, including, but not~~
- 25 ~~limited to, rent, lease, and mortgage payments, directly associated~~
- 26 ~~with administrative functions.~~
- 27 ~~(U) Transfers to a corporate parent or franchisor, including, but~~
- 28 ~~not limited to, franchise fees, fees for copyright or trademark usage,~~
- 29 ~~fees for advertising materials, royalty fees, or conference fees.~~
- 30 ~~(V) Other general operating and overhead costs.~~
- 31 ~~(2) "Direct service expenditures" means all amounts actually~~
- 32 ~~paid and all accounts payable, as calculated in accordance with~~
- 33 ~~generally accepted accounting principles, in the following~~
- 34 ~~categories:~~
- 35 ~~(A) Wages and benefits, including state, federal, and local~~
- 36 ~~payroll taxes, workers' compensation and unemployment insurance~~
- 37 ~~premiums, and recruiting, training, orientation, and background~~
- 38 ~~checks for respite care aides.~~
- 39 ~~(B) Expenses substantially similar to those in subparagraph (A)~~
- 40 ~~that are directly related to the provision of in-home respite services.~~

1 ~~(3) “Financial management services” means services as defined~~
 2 ~~by Section 4685.7 and any similar service, including, but not~~
 3 ~~limited to, payroll duties, processing payments for the~~
 4 ~~reimbursement of services, and other employer responsibilities~~
 5 ~~that are required by federal and state law, when the agency is the~~
 6 ~~employer for those purposes, but the consumer or his or her family~~
 7 ~~member recruits the worker.~~

8 ~~(4) “Service agency” means an organization or corporation that~~
 9 ~~provides in-home respite services, as defined in Section 4690.2.~~

10 ~~(b) (1) Notwithstanding Section 4629.7 or any other law, all~~
 11 ~~regional center contracts or agreements with contracting entities~~
 12 ~~that provide in-home respite services, as defined in Section 4690.2,~~
 13 ~~and that have an annual revenue attributable to in-home respite~~
 14 ~~services provided to regional center consumers of at least seven~~
 15 ~~million dollars (\$7,000,000), shall expressly require that at least~~
 16 ~~85 percent of regional center funds be spent on direct service~~
 17 ~~expenditures. Direct service expenditures shall not include~~
 18 ~~administrative costs.~~

19 ~~(2) A contracting service agency may meet the annual revenue~~
 20 ~~attributable to in-home respite services specified in paragraph (1)~~
 21 ~~in either of the following ways:~~

22 ~~(A) The annual revenue of the contracting service agency that~~
 23 ~~is attributable to in-home respite services provided to regional~~
 24 ~~center consumers, excluding financial management services, as~~
 25 ~~defined in paragraph (3) of subdivision (a), and other administrative~~
 26 ~~services, meets or exceeds seven million dollars (\$7,000,000).~~

27 ~~(B) The annual revenue of the contracting entity’s parent~~
 28 ~~organization that is attributable to in-home respite services provided~~
 29 ~~to regional center consumers in this state, excluding financial~~
 30 ~~management services, as defined in paragraph (3) of subdivision~~
 31 ~~(a), and other administrative services, whether earned directly by~~
 32 ~~the parent organization or by subcontractors and subsidiaries of~~
 33 ~~the parent organization, meets or exceeds seven million dollars~~
 34 ~~(\$7,000,000).~~

35 ~~(c) Consistent with subdivision (b), service providers and~~
 36 ~~contractors, upon request, shall provide regional centers with access~~
 37 ~~to books, documents, papers, computerized data, source documents,~~

- 1 ~~consumer records, or other records pertaining to the service~~
- 2 ~~providers' and contractors' rates.~~

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